

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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JOSE UBALDO ROMAN MARIA, NELSON
JAVIER VASQUEZ RODRIGUEZ,
PRUDENTE RAMIREZ CORNELIO, and
DAVID BENTZLER

, individually and on behalf of others similarly situated,

Plaintiffs,

Case No. 18-cv-09826-VSB

**AFFIRMATION OF MICHAEL
FAILLACE IN SUPPORT OF REQUEST
FOR ENTRY OF DEFAULT**

-v-

ROUGE TOMATE CHELSEA LLC (D/B/A
ROUGE TOMATE), ROUGE TOMATE
CORP. (D/B/A ROUGE TOMATE),
ROUGE TOMATE NEW YORK LLC
(D/B/A ROUGE TOMATE), EMMANUEL
VERSTRAUTEN, CHRISTIAN MOLINA,
HARTLEY PARISH, and GRIGORII
GULIAEV

Defendants

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MICHAEL A. FAILLACE hereby declares as follows:

1. I represent the Plaintiffs in this action.
2. The action was commenced pursuant to Fair Labor Standards Act of 1938, 29 U.S.C. § 201 et seq. (“FLSA”), and for violations of the N.Y. Labor Law §§ 190 et seq. and 650 et seq. (the “NYLL”), including applicable liquidated damages, interest, attorneys’ fees and costs.
3. The time for defendants Rouge Tomato Chelsea LLC (d/b/a Rouge Tomato), Rouge Tomato Corp. (d/b/a Rouge Tomato), Rouge Tomato New York LLC (d/b/a Rouge Tomato), Emmanuel Verstrauten, and Christian Molina, to answer or otherwise move with respect to the complaint herein has expired.
4. Defendants Rouge Tomato Chelsea LLC (d/b/a Rouge Tomato), Rouge Tomato Corp. (d/b/a Rouge Tomato), Rouge Tomato New York LLC (d/b/a Rouge Tomato), Emmanuel Verstrauten, and Christian Molina have not answered or otherwise moved with respect to the complaint and the time for defendants to answer or otherwise move has not been extended.

5. Defendants Emmanuel Verstrauten and Christian Molina are not infants or incompetents.

6. Defendants Emmanuel Verstrauten and Christian Molina are not presently in the military service of the United States as appears from facts in this litigation.

7. WHEREFORE, plaintiffs Jose Ubaldo Roman Maria, Nelson Javier Vasquez Rodriguez, Prudente Ramirez Cornelio, and David Bentzler *individually and on behalf of others similarly situated*, request that the default of defendants Rouge Tomate Chelsea LLC (d/b/a Rouge Tomate), Rouge Tomate Corp. (d/b/a Rouge Tomate), Rouge Tomate New York LLC (d/b/a Rouge Tomate), Emmanuel Verstrauten, and Christian Molina be noted and certificates of default issued.

8. I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief, that the amount claimed is justly due to plaintiff, and that no part thereof has been paid.

Dated: New York, New York
July 12, 2019

/s/ Michael A. Faillace

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